

SENATE BILL REPORT

SB 5823

As Reported By Senate Committee On:
Consumer Protection & Housing, February 23, 2007

Title: An act relating to discrimination based on lawful source of income.

Brief Description: Prohibiting discrimination based on lawful source of income.

Sponsors: Senators Fairley, Kline and Kohl-Welles.

Brief History:

Committee Activity: Consumer Protection & Housing: 2/13/07, 2/23/07 [DPS].

SENATE COMMITTEE ON CONSUMER PROTECTION & HOUSING

Majority Report: That Substitute Senate Bill No. 5823 be substituted therefor, and the substitute bill do pass.

Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Haugen, Jacobsen, Kilmer and Tom.

Staff: Alison Mendiola (786-7483)

Background: The Human Rights Commission (HRC) enforces the Washington Law Against Discrimination (WLAD), RCW 49.60. Under the WLAD, the right to be free from discrimination because of race, creed, color, national origin, sex, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is recognized as a civil right. This right includes, among other things, the right to obtain employment without discrimination, the right to the full enjoyment of public accommodations, the right to engage in real estate transactions without discrimination, the right to engage in credit transactions without discrimination, the right to engage in insurance transactions without discrimination and the right to engage in commerce free from any discriminatory boycotts or blacklists.

Summary of Bill: The bill as referred to committee not considered.

Summary of Proposed Substitute As Heard In Committee (Consumer Protection & Housing): A person has the right to be free from discrimination based on his or her lawful source of income under the WLAD.

"Lawful source of income" is defined as verifiable legal income, including income derived from employment, social security, supplemental security income, other retirement programs, child support, alimony and any federal, state, local or nonprofit-administered benefit or

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subsidy programs, including housing assistance, public assistance, and general assistance programs.

The term "disabled person" is changed to "person with disability" throughout the WLAD.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Consumer Protection & Housing): The underlying bill is struck. A new section is added to the Residential Landlord Tenant Act stating that a landlord may not refuse to rent or enter into negotiations with a prospective tenant based on the fact that the prospective tenant is a recipient of Section 8. The penalty for violating this provision is \$100. The prevailing party may also recover court costs and reasonable attorneys' fees.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Unfortunately, tenants who have rent subsidies like Section 8 are often discriminated against when looking for rental housing, sometimes in subtle ways like only offering ten month leases, when landlords know that Section 8 requires one year leases. The bill would not require a landlord to rent to such a person, but denying a person based on his or her legitimate income wouldn't be allowed. King County, Seattle, and Bellevue do not allow this kind of discrimination.

CON: Landlords want there to be more rent vouchers for tenants, but are against an arbitrarily imposed protected class based on one's source of income. Landlords are in the business of renting apartments. It's not discrimination if a landlord denies tenancy if a tenant has Section 8; it's a denial because the tenant can't afford the rent.

Persons Testifying: PRO: Michele Thomas, Beatrice Clark, Chris Jussero, Tenant's Union.

CON: John Woodring, Manufactured Housing Communities of Washington; Walter Olson, Olsen Law Firm PLLC.